THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :1871 of 2007

DATED: 02-02-2007

T.Mangayamma & 3 others.

.....
PETITIONERS

AND

The Additional Agent to the Government,
East Godavari District,
Rampachodavaram & 4 others.

.....RESPONDENTS

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ORDER:
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Heard the learned counsel for the petitioners as well as the learned Government Pleader for Social Welfare appearing for the respondents.

2. Petitioners seek to issue writ of mandamus declaring the action of the respondents in evicting the petitioners from the land to an extent of Ac.3.44 cents situated in Sy.Nos.180/1, 180/2, 180/3, 180/4,180/5 and 180/6 of Sarabhavaram village, Devipatnam mandal, East Godavari District, in pursuance of the order passed by the 1st respondent in C.M.A.No.91 of 2005, dated 06-01-2007, pending disposal of the revision filed before the 5th respondent, as illegal and arbitrary.

3. It is stated that the proceedings in LTRP.No.142 of 2004, dated 29-09-2004, has been initiated by the 2nd respondent-Special Deputy Collector, Tribal Welfare, Rampachodavaram, in a case filed by the 4th respondent-Special Deputy Tahsildar, Tribal Welfare, Devipatnam, under Section 3 of the A.P.Schedulede Areas Land Transfer Regulation 1/59 as amended by 1/70, for restoration of the petition schedule land to the Government after vacating one Matta Suribabu. The 2nd respondent by order, dated 29-04-2004, dismissed the said application holding that the possession and

enjoyment of the petition schedule land by the said Suribabu is not in violation of the provisions of the Regulation 1/70. The petition schedule land relating to the said case was an extent of Ac.3.44 cents in Survey Nos.180/1, 180/2, 180/3, 180/4, 180/5 and 180/6. It is stated that the 4th respondent-Special Deputy Tahsildar, Tribal Welfare, filed C.M.A.No.91 of 2005 in LTRP.No.142 of 2004 before the 1st respondent-Additional agent to the Government, Rampachodavaram, against the said Suribabu and the same was allowed by order, dated 06-01-2007, setting aside the order of the 4th respondent, directing restoration of the possession of the said land in favour of the Government. It is further stated that the said Suribabu died on 19-06-2006, and the petitioners herein are the sisters of the said Suribabu and in fact, the said land originally belongs to his father, who gave the same to the petitioners towards 'pasupu kumkuma' and therefore, the petitioners are the interested persons to protect the said land. Aggrieved by the said order of the 1st respondent the petitioners herein filed a revision before the 5th respondent-Government of A.P., on 25-01-2007 along with the application to grant stay.

4. Having regard to the facts and circumstances of the case,

I am of the opinion that when the revision filed by the petitioners is pending it may not be just and proper to the Government to take over the said land.

5. Accordingly, the Writ Petition is disposed of directing the respondents to maintain *status quo* obtaining as on today pending disposal of the revision by the Government. The Government shall dispose of the revision as expeditiously as possible after giving reasonable opportunity to the petitioners and the concerned respondents. No order as to costs.

V.ESWARAIAH,J

02nd February, 2007.

Note:

Furnish C.C. by 05-02-2007

B/o

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